

CITY OF SAN ANTONIO
Zoning Commission Agenda

Board Room
First Floor, Development Business Service Center
1901 S. Alamo

September 19, 2006
Tuesday, 11:30 A.M.

ZONING COMMISSIONERS

Michael Westheimer – District 1	Jody Sherrill – District 7
Juretta Marshall – District 2	Dr. Morris A. Stribling – District 8
Don Gadberry – District 3	Susan Wright – District 9
Eiginio Rodriguez – District 5	Robert R. Robbins – District 10
Christopher Martinez – District 6	James Gray – District Mayor
Henry Avila – District 4 Chairman	

1. **Work Session presentation by zoning staff to discuss zoning case recommendations, Briefing on UDC Annual Update and other items for consideration on agenda for September 19, 2006, at 11:30 A.M. Tobin Room, 1901 S. Alamo, Development Business Services Center.**
 2. Call to Order – Board Room – 1:00 PM.
 3. Roll Call.
 4. Pledge of Allegiance.
 5. Director's Report
 6. **ZONING CASE NUMBER Z2006243 CD:** The request of K. Partners, Applicant, for K. Partners, Owner(s), for a change in zoning from "C-2" ERZD (CD- Nightclub) Commercial Edwards Recharge Zone Conditional District to "C-2" ERZD (CD - Nightclub) Commercial Edwards Recharge Zone District with a Conditional Use for a Nightclub, Amending the Current Hours of Operation on .0893 acres out of Lot 63, Block 2, NCB 17608, 19141 Stone Oak Parkway. (Council District 9)
 7. **ZONING CASE NUMBER Z2006248:** The request of HLH Development, LP, Applicant, for HLH Development, LP, Owner(s), for a change in zoning from "FR" Farm and Ranch District and "RP" Resource Protection District to "R-20" Residential Single-Family District on 92.1 acres out of NCB 4191 and "C-2" Commercial District on 5 acres out of NCB 4191 on Lot P-32, Block 32, NCB 4191, 3000 Block of W. Jett Road. (Council District 4)

Postponed
- A. Finding of consistency with Master Plan.
B. Recommendation on zoning change request.

8. **ZONING CASE NUMBER Z2006229:** The request of MTZ Properties, LLC, Applicant, for Maria Sanchez, Owner(s), for a change in zoning from “C-2NA” Commercial Nonalcoholic Sales District to “C-2” Commercial District on Lot 23, Block 2, NCB 8416, 102 Babcock Road. (Council District 7)

A. Finding of consistency with Master Plan.
B. Recommendation on zoning change request.
9. **ZONING CASE NUMBER Z2006223 CD:** The request of HTG Real Property Management, Inc., Applicant, for HTG Real Property Management, Inc., Owner(s), for a change in zoning from “R-4” “EP-1” Residential Single-Family Event Parking Overlay District 1 to “R-4” “EP-1” (CD - Maximum of 12 dwelling units per acre) Residential Single-Family Conditional Event Parking Overlay District 1 on Lot 2, Block 7, NCB 9548, 2275 Hays Street. (Council District 2)

A. Finding of consistency with Master Plan.
B. Recommendation on zoning change request.
10. **ZONING CASE NUMBER Z2006246 CD:** The request of Mary Linda Rios, Applicant, for Mary Linda Rios, Owner(s), for a change in zoning from “R-6” Residential Single-Family District to “R-6” (CD-Day Care Center) Residential Single-Family District with a Conditional Use for a Day Care Center on Lot 10, Block 2, NCB 3166, 302 Cincinnati. (Council District 1)
11. **ZONING CASE NUMBER Z2006227:** The request of Harry Jewett, Applicant, for Fred Luderus Tire Service, Inc., Owner(s), for a change in zoning from “C-2” “P” Commercial Pedestrian District to “C-3NA” General Commercial District, Nonalcoholic Sales on Lot 6 and 7, Block 7, NCB 769, 425 San Pedro Avenue. (Council District 1)

A. Finding of consistency with Master Plan.
B. Recommendation on zoning change request.
12. **ZONING CASE NUMBER Z2006241CD:** The request of Maria E. Santana, Applicant, for Maria E. Santana, Owner(s), for a change in zoning from “C-3” General Commercial District, “R-4” Residential Single-Family District and “R-5” Residential Single-Family District to “C-2” (CD- Auto Sales Lot) Commercial District with Conditional Use for a Auto Sales Lot on Lot 177 and Lot 178, Block H, NCB 8360, 1158 Bandera Road. (Council District 7)

A. Finding of consistency with Master Plan.
B. Recommendation on zoning change request.
13. **ZONING CASE NUMBER Z2006238:** The request of W.W. Rowland Investments, Inc., Applicant, for David Friesenhahn / Stephen and Darlene Friesenhahn / Leonard Gonzalez, Owner(s), for a change in zoning from “FR” Farm and Ranch District to “MI-1” Mixed Light Industrial District on 131 acres out of NCB 4296, 14000 Block of Watson Road. (Council District 4)

A. Finding of consistency with Master Plan.
B. Recommendation on zoning change request.
14. **ZONING CASE NUMBER Z2006177CD:** The request of Nader Shahsavary, Applicant, for Nader Shahsavary, Owner(s), for a change in zoning from “R-6” (CD-Day Care Center) Residential Single-Family District with a Conditional Use for a Day Care Center to PUD “RM-4” (CD-Residential Mixed District) Planned Unit Development Residential Mixed District with a Conditional Use for 16 units per acre on 2.015 acre tract of land out of NCB 15837, 4168 Stahl Road. (Council District 10)

15. **ZONING CASE NUMBER Z2006220:** The request of William L. Lowry, Applicant, for William L. Lowry, Owner(s), for a change in zoning from “C-3” General Commercial District to “MF-33” Multi Family District on Lots 14, 15, 29 and 30, Block 12, NCB 16522, 6403 and 6407 Marcum Dr. and 6402 and 6406 Tahoka Boulevard. (Council District 6)
16. **ZONING CASE NUMBER Z2006240:** The request of Jose G. Pena, Applicant, for Jose G. Pena, Owner(s), for a change in zoning from “C-2NA” Commercial Nonalcoholic Sales District to “R-6” Residential Single-Family District on Lot 8, Block 14, NCB 9314, 211 Verne Street. (Council District 3)
17. **ZONING CASE NUMBER Z2006247:** The request of Brown, P. C., Applicant, for Ashley Heights Development Venture, Owner(s), for a change in zoning from “MF-33” Multi Family District to PUD “MF-33” Planned Unit Development Multi Family District on 21.758 acres out of NCB 11153 and 11154, West of the intersection of Ashley Road and Roosevelt Boulevard. (Council District 3)
18. **ZONING CASE NUMBER Z2006249:** The request of Proportional Prosperity, LLC, Applicant, for Dahlyn Herold, Owner(s), for a change in zoning from “R-5” Residential Single-Family District to “MF-33” Multi Family District on Lot 74 and Lot 77, NCB 11888, 1607 West Terra Alta. (Council District 9)
19. Executive Session: consultation on Attorney-client matters (real estate, litigation, personnel and security matters) as well as any of the above agenda items may be discussed.
20. **ADJOURNMENT**

Accessibility Statement

This meeting is wheelchair accessible. The accessible entrance is located at 1901 S Alamo. Accessible parking spaces are located in front of the building. Auxiliary aids and services are available upon request. Interpreters for the deaf must be requested at least 48 hours prior to the meeting by calling 207-7245

CASE NO: Z2006177CD

Final Staff Recommendation - Zoning Commission

Date: September 19, 2006

Zoning Commission continuance from July 18, 2006 and August 15, 2006

Council District: 10

Ferguson Map: 518 C8

Applicant Name:

Owner Name:

Nader Shahsavary

Nader Shahsavary

Zoning Request: From "R-6" (CD-Day Care Center) Residential Single-Family District with a Conditional Use for a Day Care Center to PUD "RM-4" (CD-Residential Mixed District) Planned Unit Development Residential Mixed District with a Conditional Use for 16 units per acre.

Property Location: 2.015 acre tract of land out of NCB 15837

4168 Stahl Road

Southeast side of Stahl Road between Fairway Hill and Bell Drive

Proposal: To develop duplexes, fourplexes and a condominium

Neigh. Assoc. Northern Hills Home Owners Association

Neigh. Plan None

TIA Statement: A Traffic Impact Analysis (TIA) is not required.

Staff Recommendation:

Approval

The subject property is currently vacant and fronts on Stahl Road, a major thoroughfare. The subject property is adjacent to "R-6" Residential Single-Family District to the southwest, "R-5" Residential Single-Family District and "R-6" (CD-Day Care Center) Residential Single-Family District with a Conditional Use for a Day Care Center to the northeast. "RM-4" Residential Mixed District to the southeast with "C-3NA" General Commercial Nonalcoholic Sales District and "C-2" Commercial District across Stahl Road to the northwest. Stahl Road is identified as a Secondary Type "A" Arterial in the city's thoroughfare plan and will eventually be widened and improved to handle greater traffic loads as the area continues to develop.

The "PUD" planned unit development district is established for the following purposes: 1. To provide flexibility in the planning and construction of development projects by allowing a combination of uses developed in accordance with an approved plan that protects adjacent properties. 2. To encourage the preservation and enhancement of natural amenities and cultural resources; to protect the natural features of a site that relate to its topography, shape and size; and to provide for a minimum amount of open space. 3. To provide for a more efficient arrangement of land uses, buildings, circulation systems and infrastructure. 4. To encourage infill projects and the development of sites made difficult for conventionally designed development because of shape, size, abutting development, poor accessibility or topography. 5. To allow for private streets and gated entrances for new subdivisions.

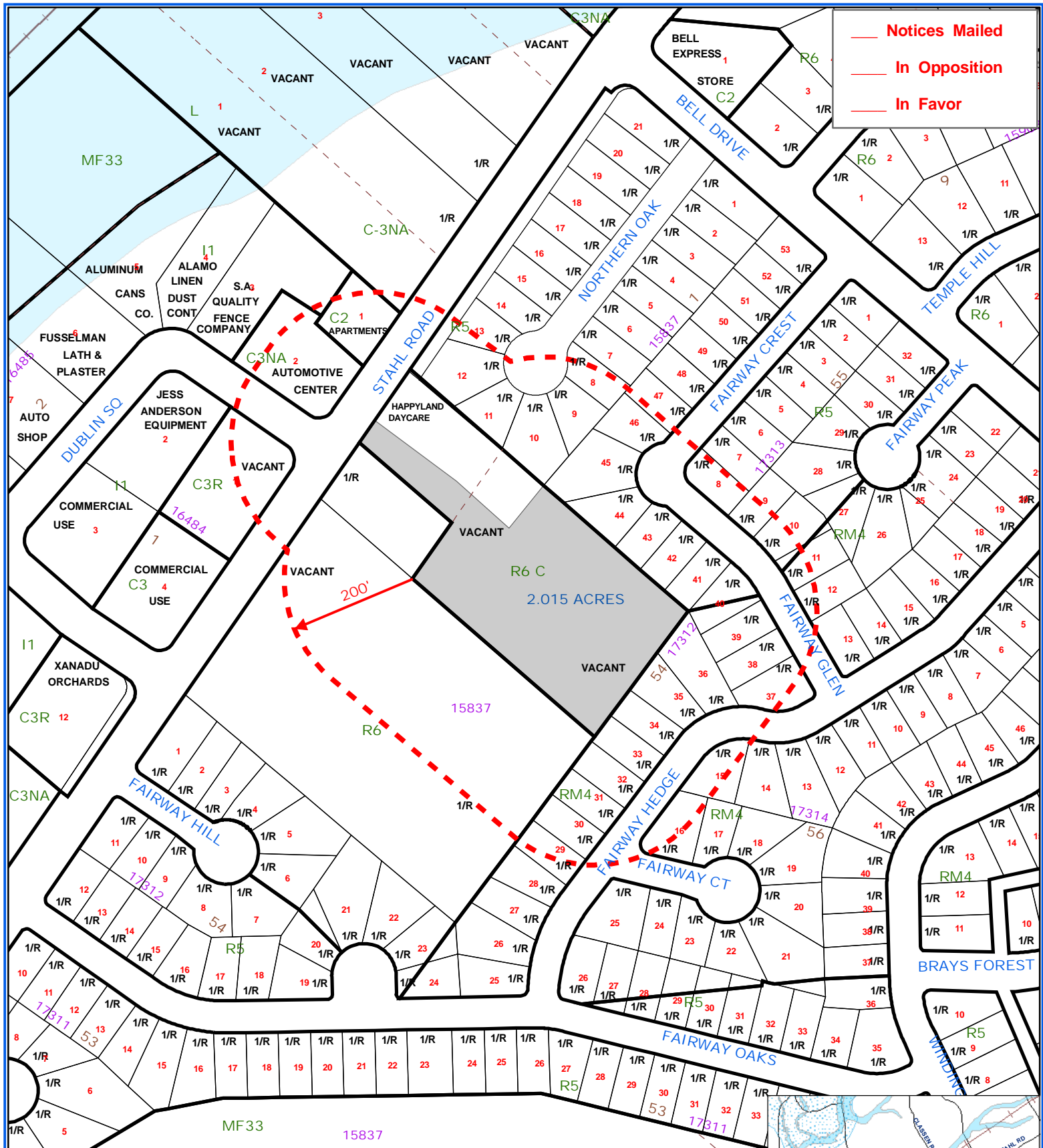
The subject property was annexed into the City of San Antonio in December of 1972 and zoned "R-6" (CD-Day Care Center) Residential Single-Family District with a Conditional Use for a Day Care Center in

CASE NO: Z2006177CD

Final Staff Recommendation - Zoning Commission

November of 2004.

CASE MANAGER : Pedro Vega 207-7980



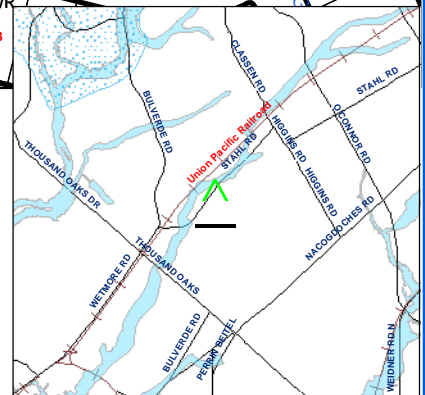
ZONING CASE: **Z2006-177CD**

City Council District No. 10
 Requested Zoning Change
 From "R-6" CD
 To PUD "RM-4" CD
 Date: September 19, 2006
 Scale: 1" = 200'

Subject Property

200' Notification

C:\JULY_18_2006



CASE NO: Z2006220

Final Staff Recommendation - Zoning Commission

Date: September 19, 2006

Continuance from the September 5, 2006 Zoning Commission hearing.

Council District: 6

Ferguson Map: 614 B7

Applicant Name:

William L. Lowry

Owner Name:

William L. Lowry

Zoning Request: From "C-3" General Commercial District to "MF-33" Multi Family District.

Property Location: Lots 14, 15, 29 and 30, Block 12, NCB 16522

6403 and 6407 Marcum Dr. and 6402 and 6406 Tahoka Blvd.

Intersection of Tahoka Blvd. and Arvil Ave.; Intersection of Marcum Dr. and Arvil Ave.

Proposal: To build multi-family units

Neigh. Assoc. Cable Westwood Neighborhood Association

Neigh. Plan None

TIA Statement: A traffic impact analysis is not required.

Staff Recommendation:

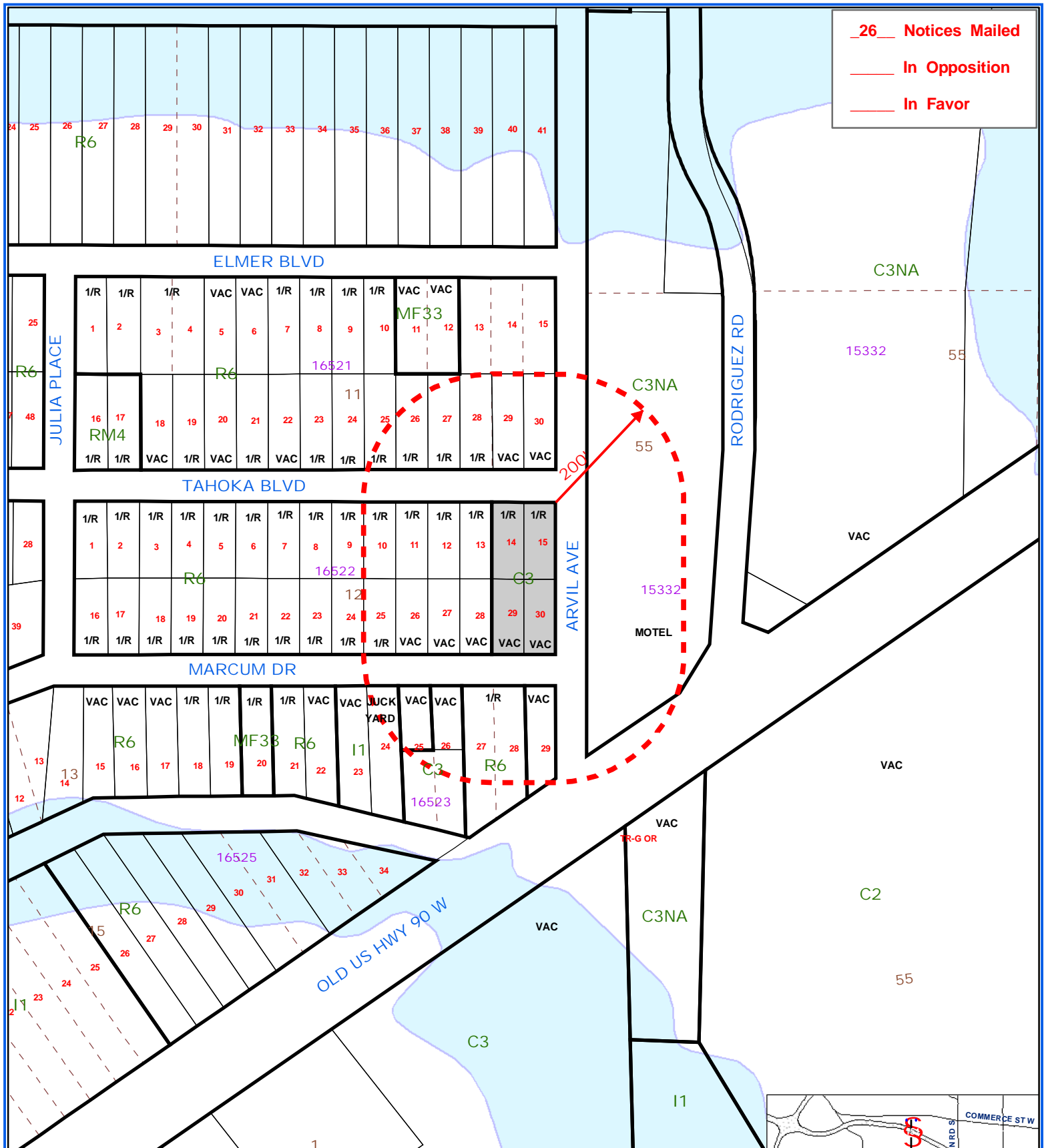
Approval.

The subject properties are currently undeveloped and located on Tahoka Boulevard and Marcum Drive, both local streets. There is R-6 zoning to the north, south and west, with C-3 to the east. The surrounding uses consist of single-family residential to the north, south and west. There is an Econo Lodge motel to the east.

The applicant has applied for "MF-33" zoning in order to build two 7,200 square foot eight-plexes; one fronting on Tahoka Blvd. and one fronting on Marcum Dr. Multi family uses are most appropriate along major arterials or major thoroughfares where supporting infrastructure, such as transportation services and commercial facilities, are available. However, in this case, the subject properties are currently over-zoned and located within a single-family residential neighborhood; thus, a down-zoning would be appropriate and recommended. Additionally, C-3 uses would not be recommended within a residential neighborhood. This rezoning would eliminate the possibility of commercial encroachment, in particular, high-intensity commercial uses.

The subject properties were zoned B-3 under the provisions of the 1965 zoning code. It was subsequently converted to C-3 upon adoption of the 2001 Unified Development Code.

CASE MANAGER : Rudy Nino, Jr. 207-8389

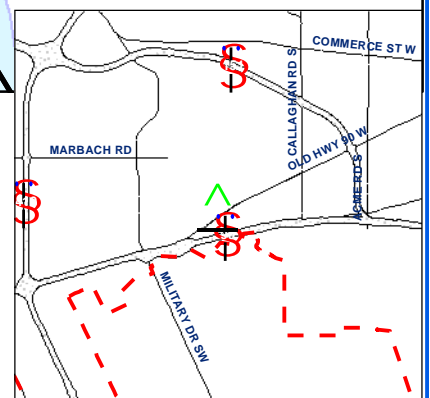


ZONING CASE: **Z2006-220**

City Council District No. 6
 Requested Zoning Change
 From "C-3"
 To "MF-33"
 Date: September 19, 2006
 Scale: 1" = 200'

Subject Property
 200' Notification

Sept 5 2006



CASE NO: Z2006223 CD

Final Staff Recommendation - Zoning Commission

Date: September 19, 2006

Zoning Commission continuance from September 5, 2006.

Council District: 2

Ferguson Map: 617 E4

Applicant Name:

Owner Name:

HTG Real Property Management, Inc.

HTG Real Property Management, Inc.

Zoning Request: From "R-4" EP-1 Residential Single-Family Event Parking Overlay District 1 to "R-4" EP-1 (CD - Maximum of 12 dwelling units per acre) Residential Single-Family Conditional Event Parking Overlay District 1.

Property Location: Lot 2, Block 7, NCB 9548

2275 Hays Street

Adjacent to the intersection of Hays Street and Onslow Street

Proposal: To bring a non-conforming use into compliance with current development standards

Neigh. Assoc. Harvard Place - Eastlawn Neighborhood Association

Neigh. Plan Arena District/ East Side Community Plan

TIA Statement: A traffic impact analysis is not required.

Staff Recommendation:

Consistent.

The Arena District/ East Side Community Plan calls for Medium Density Residential at this location.

Approval

The subject property currently contains a 2,087 square foot residence and is located on Hays Street, a local residential street. There is R-4 zoning to the north, south, east and west. The surrounding land uses consist of single-family residences to the north, south east and west.

The applicant has applied for R-4 CD with a maximum density of 13 units per acre in order to allow the existing residence to be utilized as a duplex. The request of R-4 CD is due to the size of the lot. The 2001 Unified Development Code density standards require at least 7,920 square feet in order to construct a duplex. The subject property is currently 7,400 square feet. The conditional zoning request of 13 units per acre would allow a duplex on the subject property.

Staff finds the zoning request to be consistent with the current development pattern on Coleman Street. The conditional request for additional density is being sought since the property is substandard by 520 square feet. This amounts to a minor request for additional density through conditional zoning.

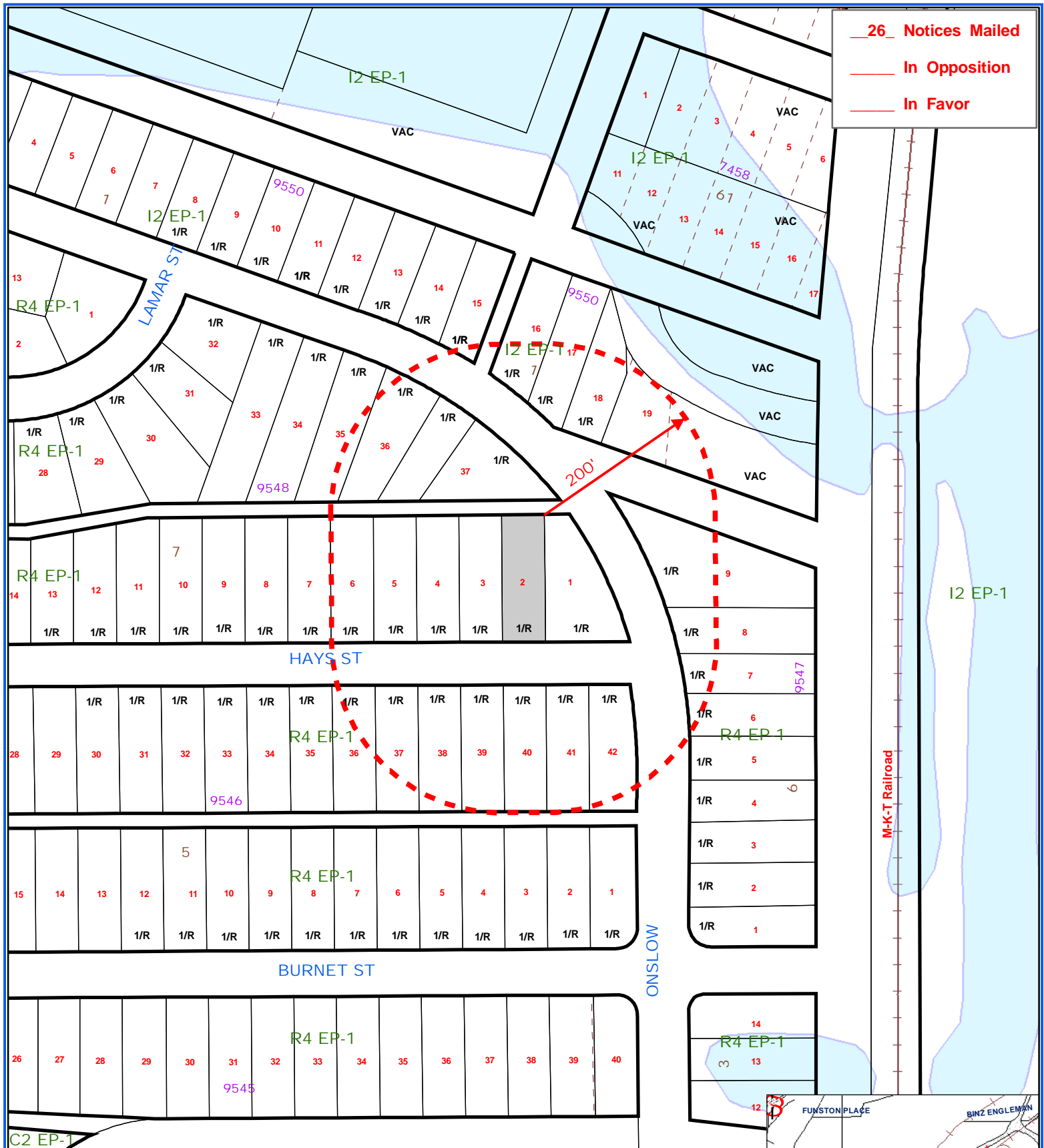
Being that this is a conditional zoning request, should the duplex cease operation for 12 consecutive months, the base zoning would revert to the R-4 Residential Single-Family.

CASE NO: Z2006223 CD

Final Staff Recommendation - Zoning Commission

The subject property was zoned B under the provisions of the 1938 zoning code. It was subsequently converted to R-4 upon adoption of the 2001 Unified Development Code.

CASE MANAGER : Rudy Nino, Jr. 207-8389



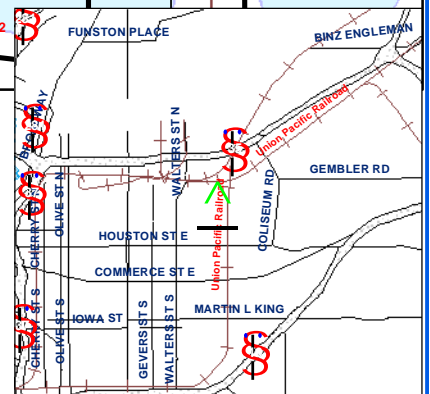
ZONING CASE: **Z2006-223 CD**

City Council District No. 2
 Requested Zoning Change
 From "R-4" EP-1
 To "R-4" EP-1 CD
 Date: September 19, 2006
 Scale: 1" = 150'

Subject Property

200' Notification

Sept 5 2006



CASE NO: Z2006227

Final Staff Recommendation - Zoning Commission

Date: September 19, 2006

Council District: 1

Ferguson Map: 616 D3

Applicant Name:

Harry Jewett

Owner Name:

Fred Luderus Tire Service, Inc.

Zoning Request: From "C-2 P" Commercial Pedestrian District to "C-3NA" General Commercial District, Nonalcoholic Sales.

Property Location: Lot 6 and 7, Block 7, NCB 769

425 San Pedro Avenue

East corner of San Pedro Avenue and Marshall Street

Proposal: Tire shop with sales and service

Neigh. Assoc. Five Points Neighborhood Association, Tobin Hill Neighborhood Association (within 200 feet) and Tobin Hill Residents Association (within 200 feet)

Neigh. Plan Five Points Neighborhood Plan

TIA Statement: A Traffic Impact Analysis (TIA) is not required

Staff Recommendation:

Inconsistent

A "C-3" zoning designation on the property would require a plan amendment and addition of associated text to change the land use designation to Regional Commercial. There are no other nearby properties along the western side of San Pedro that are designated Regional Commercial. The future land use plan designates said parcels for Neighborhood Commercial uses. The applicant has submitted a Plan Amendment request to change the land use to an Regional Commercial. A land use plan amendment was heard by the Planning Commission on September 13, 2006 and recommended Denial.

Denial, with an alternate recommendation of "C-2 P" (CD-Auto and Light Truck. Repair) Commercial Pedestrian District with Conditional Use for a Auto and Light Truck Repair.

The "C-3NA" General Commercial District, Nonalcoholic Sales is inconsistent with Five Points Neighborhood Plan. The applicant may achieve consistency with the Plan, by requesting "C-2 P" (CD-Auto and Light Truck Repair) Commercial Pedestrian District. The subject property is currently located on San Pedro Avenue a major thoroughfare and currently exists as a Tire shop with sales and service. The subject property is adjacent to "C-2 P" Commercial Pedestrian District to the southeast and northwest with "C-3" General Commercial District to northeast

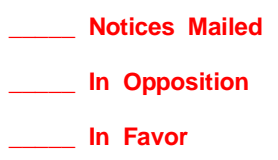
"C-3" districts are designed to provide for more intensive commercial uses than those located within the "NC", "C-1", "C-2" or "C-3" zoning districts. "C-3" uses are typically characterized as community and regional shopping centers, power centers and/or assembly of similar uses into a single complex under either single ownership or the structure of a property owners or condominium styled organization. "C-3" districts should

CASE NO: Z2006227

Final Staff Recommendation - Zoning Commission

incorporate shared internal circulation and limited curb cuts to arterial streets.

CASE MANAGER : Pedro Vega 207-7980

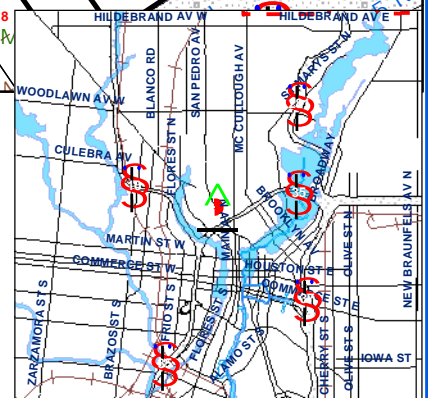


City Council District No. 1
Requested Zoning Change
From "C-2 P"
To "C-3NA"
Date: September 19, 2006
Scale: 1" = 200'

 200' Notification



C:\Aug_1_2006



CASE NO: Z2006229

Final Staff Recommendation - Zoning Commission

Date: September 19, 2006

Zoning Commission Continuance from September 5, 2006

Council District: 7

Ferguson Map: 581 F6

Applicant Name:

MTZ Properties, LLC

Owner Name:

Maria Sanchez

Zoning Request: From "C-2 NA" Commercial Nonalcoholic Sales District to "C-2" Commercial District.

Property Location: Lot 23, Block 2, NCB 8416

102 Babcock Road

Babcock Road at Fredericksburg Road

Proposal: For Mixed Retail Use

Neigh. Assoc. Jefferson NA / Laddie Place-North Wilson NA (200 feet) / Los Angeles Heights-Keystone NA (200 feet)

Neigh. Plan Near Northwest Community Plan

TIA Statement: A Traffic Impact Analysis is not required.

Staff Recommendation:

Consistent

The request is consistent with the Community Commercial land use designation identified in the Near Northwest Community Plan. This designation promotes uses typically located on major intersections or in established commercial areas along arterial streets.

Approval

The requested zoning, a removal of the nonalcoholic sales designation from the existing C-2 base zoning, is to provide flexibility in the occupancy of an available suite in an existing commercial building. Given the mix of light, community and regional commercial zoning districts in the immediate area and the location of the subject property at an existing commercial node, the removal of the nonalcoholic sales restriction would not be inappropriate.

The subject property was annexed in May of 1940 and the existing building dates to about 1970. This building has been converted from its original commercial warehouse layout into a two-suite commercial/office building. The occupied suite, which is located in the approximate east half of the building, is in use as a medical clinic and the second suite is currently not in use. The building fronts closely along the frontage of Babcock Road with most of the improved parking spaces located behind the building. The existing C-2 NA zoning dates to May of 1987.

Most of the frontage along this portion of Fredericksburg Road has existing commercial zoning districts including C-2, C-2 NA, C-3 and C-3 NA. Some of these commercial districts have converted from districts identified in the 1938 zoning code, but most range from the early 1970's through the 1990's, most

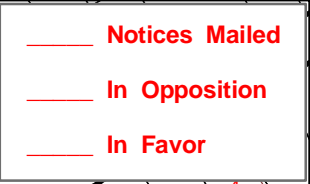
CASE NO: Z2006229

Final Staff Recommendation - Zoning Commission

commercial zoning dating to the late 1980's. The uses of these properties are generally retail or service in nature and vary widely.

Some of the existing uses in the vicinity are convenience stores, a restaurant supply facility, a self serve car wash, automobile repair, a furniture store, restaurants, parking areas and offices. Specifically, to the east of the subject property are a motorcycle repair shop and a furniture store on parcels zoned C-3 and C-2 NA and to the west are a medical clinic, apartment complex and single family residences on parcels zoned C-1, C-2 NA and O-2. To the north, are a convenience store, a restaurant and two small medical clinics on parcels zoned C-2. To the south are additional multi-family communities on parcels with MF-33 and similar C-2 NA zoning. Given the existence of these adjoining commercial districts, landscape buffers are not required.

CASE MANAGER : Matthew Taylor 207-5876

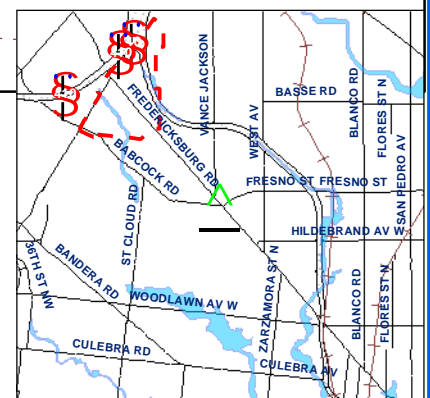


City Council District No. 7
Requested Zoning Change
From: "C-2 NA"
To: "C-2"
Date: September 19, 2006
Scale: 1" = 200'

 200' Notification



C:\Aug_1_2006



CASE NO: Z2006238

Final Staff Recommendation - Zoning Commission

Date: September 19, 2006

Council District: 4

Ferguson Map: 715 A3

Applicant Name:

W.W. Rowland Investments, Inc.

Owner Name:

David Friesenhahn / Stephen and Darlene Friesenhahn /
Leonard Gonzalez

Zoning Request: From "FR" Farm and Ranch District to "MI-1" Mixed Light Industrial District.

Property Location: 131 acres out of NCB 4296

14000 Block of Watson Road

Watson Road, West of Highway 16

Proposal: To Allow a Mixed Commercial and Industrial Development

Neigh. Assoc. None

Neigh. Plan CitySouth Community Plan

TIA Statement: A Level 2 Traffic Impact Analysis will be required at platting.

Staff Recommendation:

Inconsistent

The request to rezone the subject property from FR to MI-1 is inconsistent with the Agriculture land use designation identified in the CitySouth Community Plan. The applicant filed a plan amendment requesting to change this designation from Agriculture to Agriculture and Light Industry and the Planning Commission recommended approval of the request during the September 13, 2006, public hearing of the item. Both the plan amendment and zone change applications have been tentatively scheduled for the City Council public hearing on October 19, 2006.

Approval, contingent on amending the CitySouth Community Plan.

The applicant is proposing a flex development for the subject property that will entail a mix of retail, office, service, warehousing and distribution uses. The subject property is in close proximity to Highway 16 and in an area with existing MI-1 zoning and significant industrial development, rendering the proposed MI-1 zoning district and future uses appropriate. The Toyota manufacturing facility is located across Highway 16 to the east, about 1.5 miles from the subject property and MI-1 zoning generally extends along the east and west frontages of Highway 16 about one mile to the south and about two miles to the north.

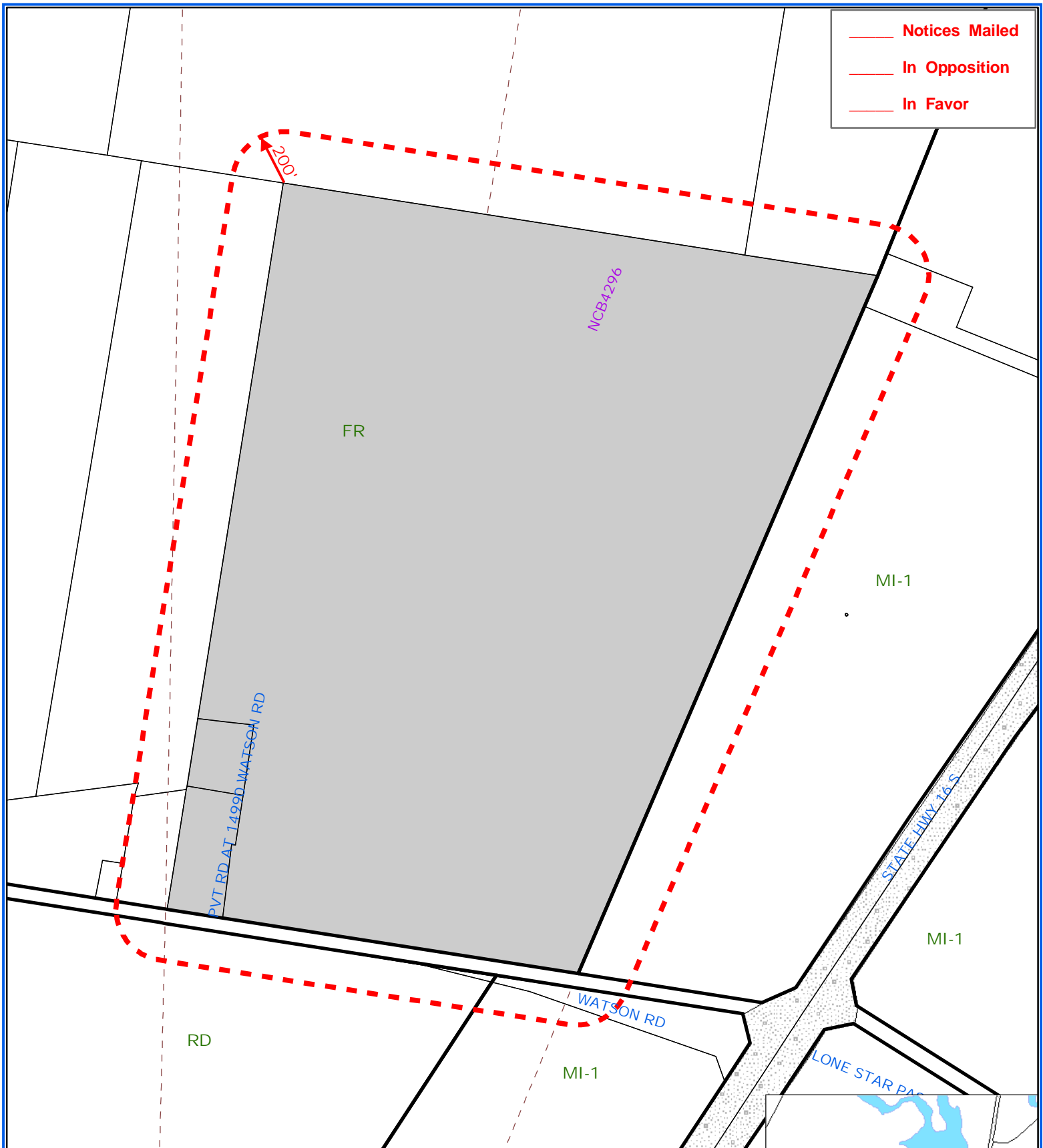
The subject property consists of three lots totaling about 131 acres and is currently zoned Farm and Ranch District. The property was annexed into the city in January of 2003, and the current FR zoning district was adopted by ordinance on September 25, 2003. The property is within a limited annexation area and, while development and land uses are subject to the city's building codes and the Unified Development Code, access to city services may be limited. The two smallest lots, Lots P-8 and P-8B are 1.85 and 1.13 acres respectively and each have single family dwellings and miscellaneous accessory structures. The largest lot,

CASE NO: Z2006238

Final Staff Recommendation - Zoning Commission

Lot P-8A, totals about 129 acres and also has multiple structures, one residence dating to 1930. This lot also contains a dirt track for motor racing, similar to the parcel immediately to the east, zoned MI-1, which has long been the site of the San Antonio Speedway. There are large acreages to the north and west with FR zoning, and single family dwellings immediately to the west, fronting on Watson Road. To the south and east are more than 400 acres of mostly undeveloped lands rezoned (Zoning Case Z2006235) to the Rural Development District in January of 2006.

CASE MANAGER : Matthew Taylor 207-5876



ZONING CASE: **Z2006-238**

City Council District No. 4
Requested Zoning Change
From: "FR"
To: "MI-1"
Date: September 19, 2006
Scale: 1" = 500'

■ Subject Property

⬮ 200' Notification

μ
C:\Sept_5_2006



CASE NO: Z2006240

Final Staff Recommendation - Zoning Commission

Date: September 19, 2006

Council District: 3

Ferguson Map: 650 C7

Applicant Name:

Jose G. Pena

Owner Name:

Jose G. Pena

Zoning Request: From "C-2NA" Commercial Nonalcoholic Sales District to "R-6" Residential Single-Family District.

Property Location: Lot 8, Block 14, NCB 9314

211 Verne Street

West of the Intersection of Verne Street and Oppenheimer Avenue.

Proposal: To construct a residential home

Neigh. Assoc. None

Neigh. Plan None

TIA Statement: A Traffic Impact Analysis is not required.

Staff Recommendation:

Approval

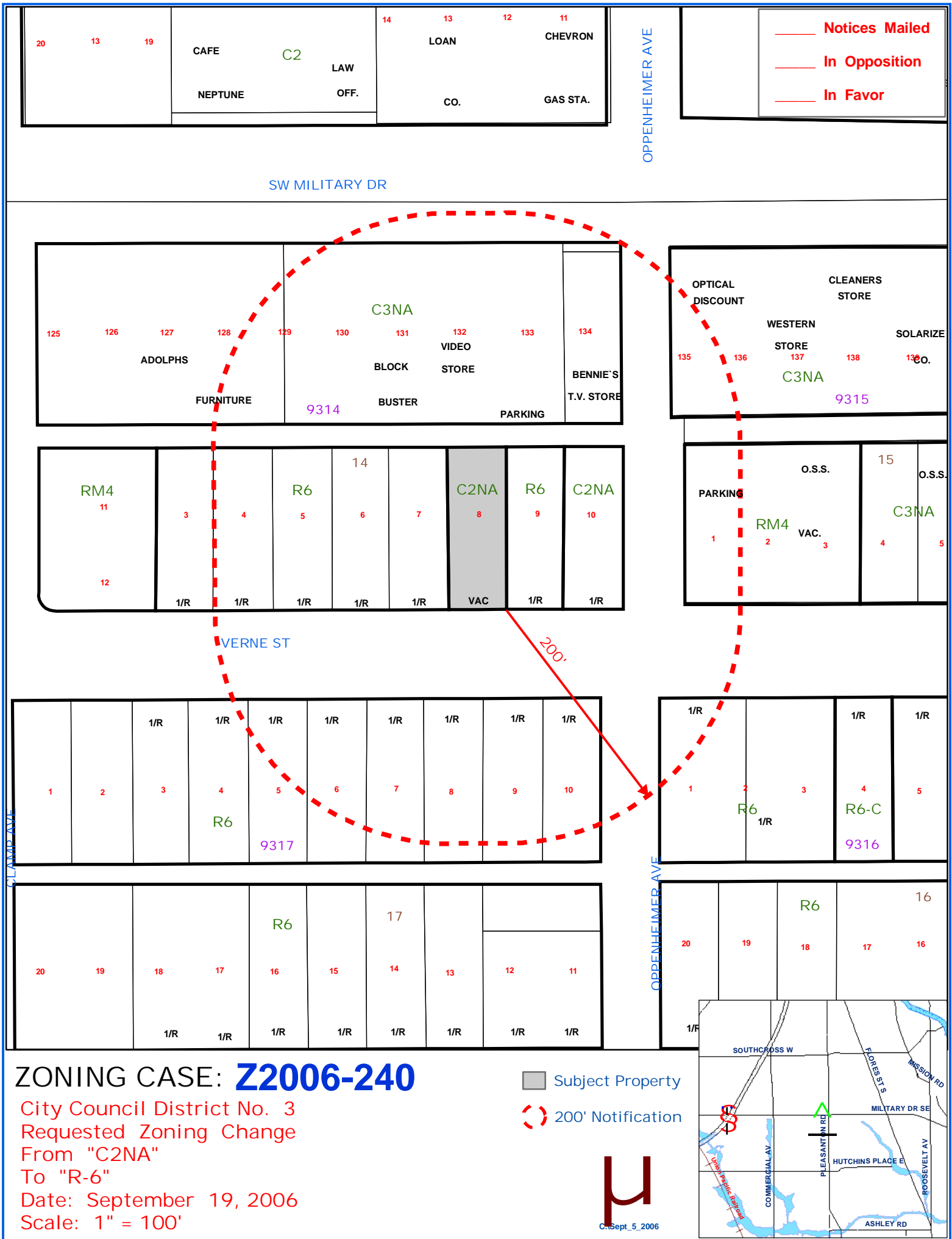
The subject property is currently vacant and located on Verne Street. The property is adjacent to R-6 zoning to the south and west, C-3 NA zoning to the north and RM-4 zoning to the east. The surrounding land uses consist of single-family residential dwellings to the south and west, commercial facilities to the north and a parking lot to the west.

The applicant's request is to construct a single-family residence. The requested R-6 Residential Single-Family District is a beneficial down zoning from the existing C-2 NA Commercial Non-alcoholic Sales District. Residential Single-Family Districts are encouraged in areas where adequate public facilities and services exist with the capacity to serve development. The site is located in an area where there is accessibility to commercial facilities and traffic circulation to major thoroughfares; South West Military Drive (a Primary Arterial "Type A" street) to the north and Pleasanton Road (a Secondary Arterial "Type A" street) to the east.

The R-6 Residential Single-Family District would be appropriate and compatible at this location. The requested zoning will not adversely affect the surrounding area nor will the subject property suffer any detrimental effects as a result of the rezoning.

City Council has requested that this case be expedited. It has been scheduled to go to City Council on September 21, 2006.

CASE MANAGER : Brenda Valadez 207-7945



20	13	19	CAFE	C2	LAW	14	13	12	11	LOAN	CHEVRON
			NEPTUNE		OFF.					CO.	GAS STA.

OPPENHEIMER AVE

Notices Mailed
In Opposition
In Favor

SW MILITARY DR

125	126	127	128	129	130	131	132	133	134
		ADOLPHS					VIDEO		
		FURNITURE				BLOCK	STORE		
						BUSTER			
									BENNIE'S T.V. STORE

RM4									
11									

VERNE ST

200'

OPPENHEIMER AVE

CASE NO: Z2006241CD

Final Staff Recommendation - Zoning Commission

Date: September 19, 2006

Council District: 7

Ferguson Map: 581 B7

Applicant Name:

Maria E. Santana

Owner Name:

Maria E. Santana

Zoning Request: From "C-3" General Commercial District, "R-4" Residential Single-Family District and "R-5" Residential Single-Family District to "C-2" (CD- Auto Sales Lot) Commercial District with Conditional Use for a Auto Sales Lot.

Property Location: Lot 177 and Lot 178, Block H, NCB 8360

1158 Bandera Road

Northeast side of Bandera Road southeast of Zachry Drive

Proposal: Auto Sales Lot

Neigh. Assoc. Donaldson Terrace Neighborhood Association and University Park Neighborhood Association

Neigh. Plan Near Northwest Community Plan

TIA Statement: A Traffic Impact Analysis (TIA) is not required.

Staff Recommendation:

Inconsistent

The Near Northwest Community Plan envisions the land use for the subject property to be Community Commercial development. The Plan states that Community Commercial includes medium and high density, uses that draw its customer base from a larger community. These uses are typically located on arterials at major intersections or in established commercial areas along arterials. The Plan also states that Community Commercial centers should be designed to create safe, attractive, and convenient vehicular and pedestrian linkages with adjoining land uses.

Alternate Recommendation: 1) Support a C-2P rezoning for the subject parcel in order to restrict the front setback to 35-foot maximum. This zoning category is identical to the C-2 designation with the exception of the maximum setback restriction. C-2P would be consistent with the plan. 2) Denial of conditional use for auto sales. Action Step 2.2.4 (p. 26) states: Discourage certain businesses from locating within the planning area including day lay labor sites, pawn shops, tattoo parlors, dollar-type store, used car sales and additional auto-repair stores.

Denial

The "C-2" (CD for an Auto Sales Lot) Commercial District with Conditional Use for an Auto Sale Lot is inconsistent with the Near Northwest Neighborhood Plan. The applicant may achieve consistency with the Plan, by requesting "C-2 P" (CD- Auto Sales Lot) Commercial District with Conditional Use for a Auto Sales Lot. The "C-2" designation for the property is not out of character given the commercial uses along Bandera

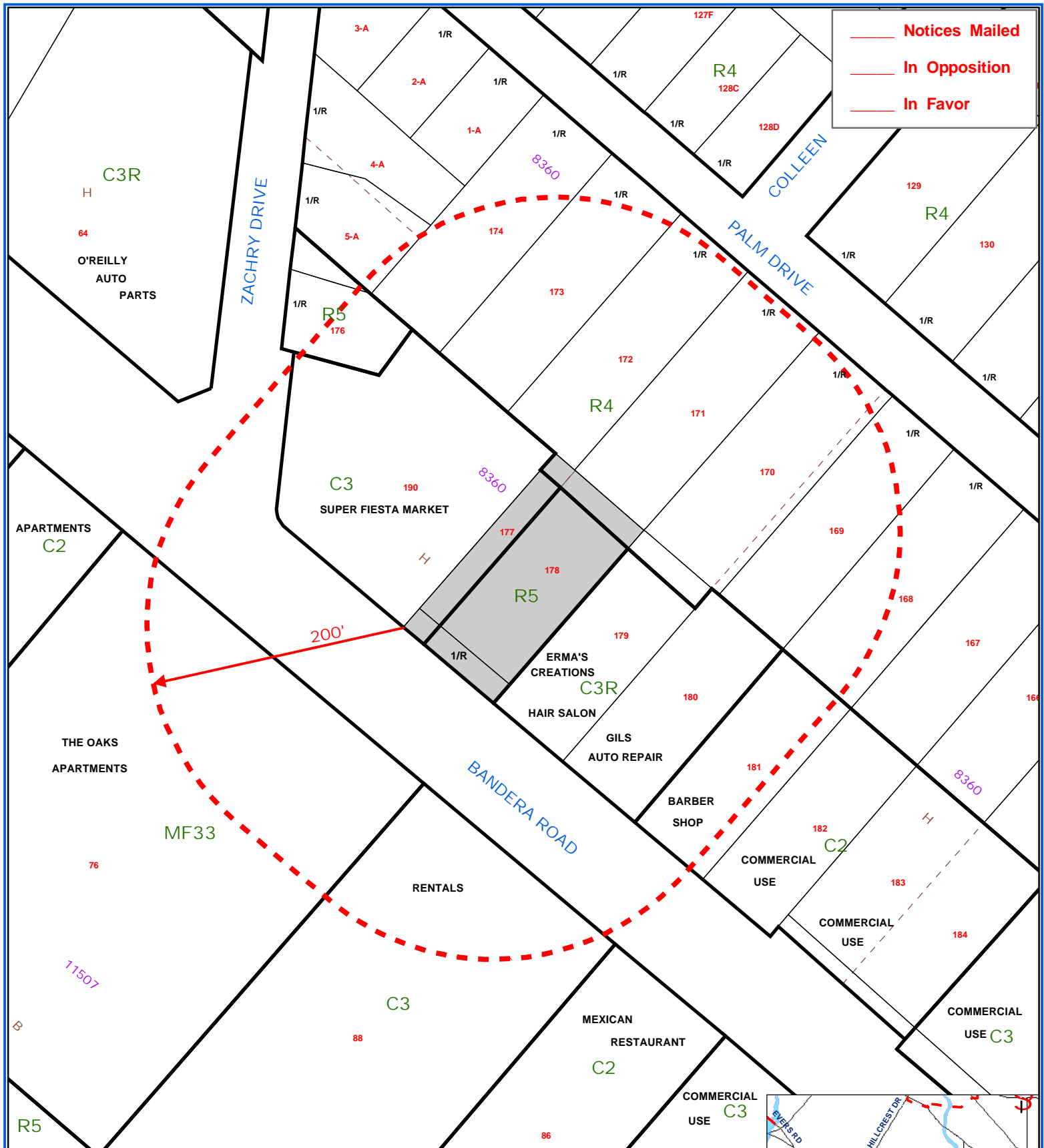
CASE NO: Z2006241CD

Final Staff Recommendation - Zoning Commission

Road. The subject property is currently a vacant single-family dwelling and located on Bandera Road a major thoroughfare. The subject property is adjacent to "C-3" General Commercial District to the northwest and "C-3R" General Commercial District, Restrictive Alcoholic Sales to the southeast with "R-4" Residential Single-Family District to northeast.

"C-2" districts accommodate commercial and retail uses that are more intensive in character than "NC" and "C-1" uses, and which generate a greater volume of vehicular traffic and/or truck traffic. No outdoor storage or display of goods shall be permitted except for outdoor dining. The maximum front setback in a "C-2P" district is 35 feet. The district regulations within the "C-2" district are the same as in the "C-2P" districts except that there is no required front setback maximum.

CASE MANAGER : Pedro Vega 207-7980



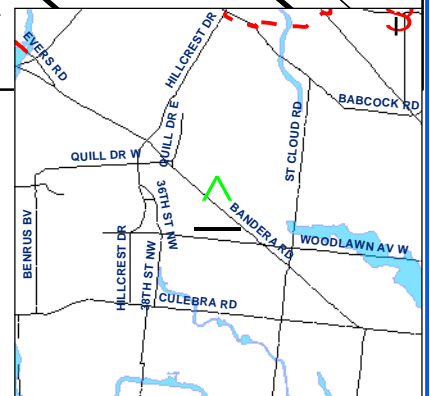
ZONING CASE: **Z2006-241CD**

City Council District No. 7
 Requested Zoning Change
 From "R-4", "R-5" and "C-3"
 To "C-2" CD
 Date: September 19, 2006
 Scale: 1" = 100'

Subject Property

200' Notification

μ
 C:Sept_5_2006



CASE NO: Z2006243 CD

Final Staff Recommendation - Zoning Commission

Date: September 19, 2006

Council District: 9

Ferguson Map: 482 E8

Applicant Name:

K. Partners

Owner Name:

K. Partners

Zoning Request: From "C-2" ERZD (CD- Nightclub) Commercial Edwards Recharge Zone Conditional District to "C-2" ERZD (CD - Nightclub) Commercial Edwards Recharge Zone District with a Conditional Use for a Nightclub, Amending the Current Hours of Operation.

Property Location: .0893 acres out of Lot 63, Block 2, NCB 17608

19141 Stone Oak Parkway

Intersection fo Stone Oak Parkway and Huebner Road

Proposal: To amend the conditions placed on the conditional use.

Neigh. Assoc. Sonterra/Stone Oak Neighborhood Association

Neigh. Plan None

TIA Statement: A traffic impact analysis is not required.

Staff Recommendation:

Approval.

The subject property is located at the intersection of Stone Oak Parkway and Huebner Road, both Secondary Arterial "Type A" roads. The current zoning for this subject property is C-2 CD. The current use is the Stone Oak Shopping Center (Phase II). The subject property wraps around the corner property, which is currently a gas station.

The applicant is requesting a rezoning for only a suite of the shopping center. This suite was the subject of zoning case Z2005031, in which the applicant was granted C-2 CD with a Conditional Use for a Nightclub with a number of conditions. One condition, which is the subject of this zoning case, is the hours of operation. Currently, the property is subject to hours of operation from 11:00 a.m. to Midnight. The applicant is requesting that the hours be extended to 2:00 a.m. for closing. Only the hours of operation are the subject of this rezoning case. The conditional use for the Nightclub will remain regardless of the outcome of this case.

Staff finds this request reasonable due to the location of the subject property off Stone Oak Parkway. The subject property is integrated with an existing commercial development. The commercial activity associated with the development is oriented to Stone Oak Parkway; therefore, there should be no additional impact on the residential development to the west. In addition, there is a drainage channel situated between the commercial development and the residential development.

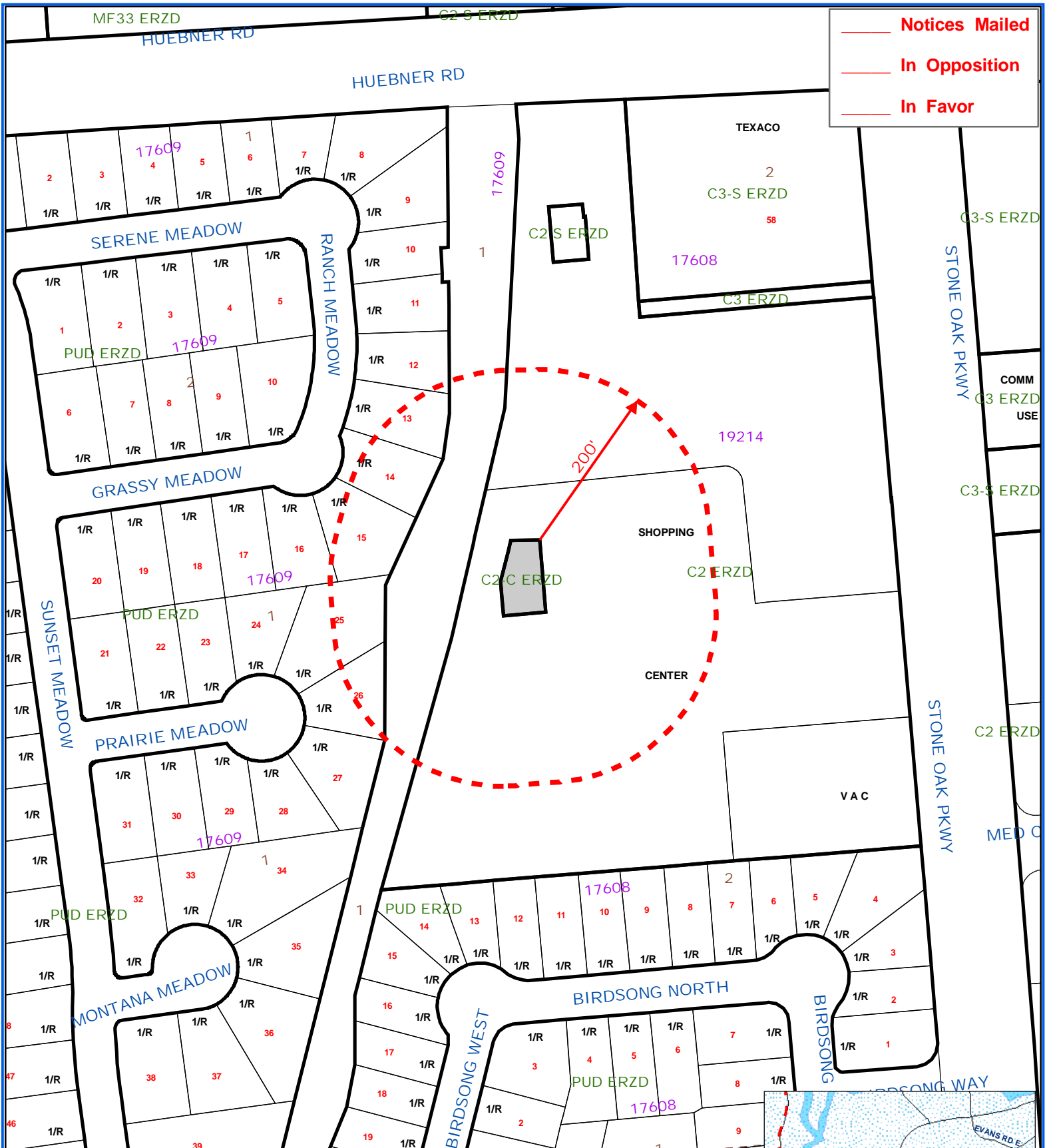
In addition to the amended hours of operation, the following conditions will remain in place:

CASE NO: Z2006243 CD

Final Staff Recommendation - Zoning Commission

1. No outdoor events or entertainment shall be permitted.
2. The use shall be in compliance with the City Code, Chapter 21, Article III, Noise.
3. Marquee, flashing, blinking or neon signs shall be prohibited.
4. Business hours shall be limited to the hours between 11:00 a.m. and 2:00 a.m.

CASE MANAGER : Rudy Nino, Jr. 207-8389



ZONING CASE: **Z2006-243 CD**

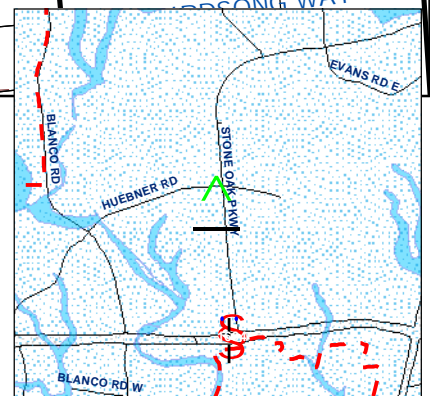
City Council District No. 9
 Requested Zoning Change
 From "C-2 ERZD"
 To "C-2 ERZD CD"
 Date: September 19, 2006
 Scale: 1" = 150'

Subject Property

200' Notification

M

C:\Sept_5_2006



CASE NO: Z2006246 CD

Final Staff Recommendation - Zoning Commission

Date: September 19, 2006

Council District: 1

Ferguson Map: 616 A1

Applicant Name:

Mary Linda Rios

Owner Name:

Mary Linda Rios

Zoning Request: From "R-6" Residential Single-Family District to "R-6" (CD-Day Care Center) Residential Single-Family District with a Conditional Use for a Day Care Center.

Property Location: Lot 10, Block 2, NCB 3166

302 Cincinnati

Intersection of Cincinnati Avenue and North Brazos Street

Proposal: To allow for a day care center

Neigh. Assoc. Within 200 feet of Beacon Hill Neighborhood Association

Neigh. Plan Midtown Neighborhood Plan

TIA Statement: A Traffic Impact Analysis is not required

Staff Recommendation:

There is no change in the base zone being requested. Therefore, a finding of consistency is not required.

Denial

The subject property is currently vacant. Residential mixed-district zoning exists to the north, west and south of the subject property. Commercial zoning exists to the east of the subject property.

The Unified Development Code identifies development standards for daycare centers in residential zoning districts. These include:

1. All daycare homes, nursery school, and daycare centers shall have a current license issued by the State.
2. On-premise parking at a ratio of one space per 375 square feet of gross floor area is required.
3. Outdoor play space shall not be permitted within the front yard area.
4. No signs shall be permitted except for a name plate not exceeding one square foot in size, attached flat to the main structure.
5. Outdoor play space for daycare centers, group daycare homes and nursery schools which abut or are located within a residential zoning district shall be enclosed by a six foot solid (opaque) fence.
6. The provision of daycare in a single family home which may be permitted by a specific use permit shall require that the owner of the property in question occupy as their primary residence the home providing said daycare services.

The subject property exists on the edge of a residential neighborhood, adjacent to commercial properties. It is also located in close proximity to Fredericksburg Road, a Secondary Type B Arterial. These are factors which would support a land use of the property as a daycare facility. However, the intensity of the requested

CASE NO: Z2006246 CD

Final Staff Recommendation - Zoning Commission

conditional use would place it in conflict with the surrounding residential neighborhood. In addition, it appears that the parking requirements for a Daycare Center would not be met given the site location. Due to these factors, zoning staff does not support the applicant's request.

CASE MANAGER : David Clear 207-3074



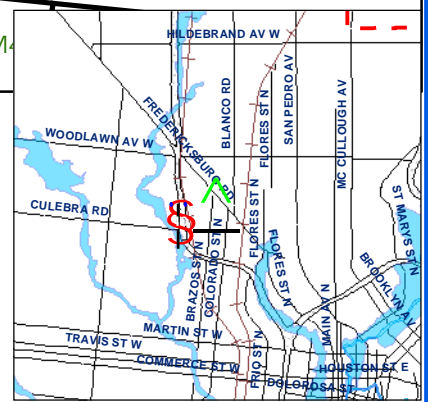
ZONING CASE: Z2006-246 CD

City Council District No. 1
 Requested Zoning Change
 From "R-6"
 To "R-6" (CD-Day Care Center)
 Date: September 19, 2006
 Scale: 1" = 100'

Subject Property

200' Notification

Sept 5 2006



CASE NO: Z2006247

Final Staff Recommendation - Zoning Commission

Date: September 19, 2006

Council District: 3

Ferguson Map: 682 F2

Applicant Name:

Brown, P. C.

Owner Name:

Ashley Heights Development Venture

Zoning Request: From "MF-33" Multi Family District to PUD "MF-33" Planned Unit Development Multi Family District.

Property Location: 21.758 acres out of NCB 11153 and 11154

West of the intersection of Ashley Road and Roosevelt Boulevard

11000 Block of Ashley Road

Proposal: To allow for a gated community.

Neigh. Assoc. Kingsborough Ridge

Neigh. Plan None

TIA Statement: A Traffic Impact Analysis is not required.

Staff Recommendation:

Approval

The subject property is currently undeveloped and located west of the intersection of Ashley Road and Roosevelt Boulevard. The property is adjacent to R-4 zoning to the north, south, east and west. The surrounding land uses consist of single-family residential dwellings to the south, east and west and a park and drainage easement to the north.

The applicant's requested addition of the Planned Unit Development special district is to permit a gated subdivision. No change is proposed to the base zone of the MF-33 Residential Multi-Family District. As of September 12, 2006 the applicant has not submitted a PUD plan for review.

The PUD Planned Unit Development District is established to provide flexibility in the planning and construction of development projects by allowing a combination of uses developed in accordance with an approved plan that protects adjacent properties and to encourage the preservation and enhancement of natural amenities and cultural resources; to protect the natural features of a site that relate to its topography, shape and size; and to provide for a minimum amount of open space. In addition, the Planned Unit Development District is designed to provide for a more efficient arrangement of land uses, buildings, circulation systems and infrastructure and it allows for private streets and gated entrances for new subdivisions.

The PUD MF-33 Planned Unit Development would be appropriate at this location and is consistent with the surrounding zoning and land uses.

CASE NO: Z2006247

Final Staff Recommendation - Zoning Commission

City Council has requested that this case be expedited. It has been scheduled to go to City Council on September 21, 2006.

CASE MANAGER : Brenda Valadez 207-7945

CASE NO: Z2006248

Final Staff Recommendation - Zoning Commission

Date: September 19, 2006

Council District: 4

Ferguson Map: 715 B7/B8-749 B1

Applicant Name:

HLH Development, LP

Owner Name:

HLH Development, LP

Zoning Request: From "FR" Farm and Ranch District and "RP" Resource Protection District to "R-20" Residential Single-Family District on 92.1 acres out of NCB 4191 and "C-2" Commercial District on 15.6 acres out of NCB 4191.

Property Location: Lot P-32, Block 32, NCB 4191

3000 Block of W. Jett Road

W. Jett Road and S. Loop 1604 W.

Proposal: To Allow a Mixed Residential and Commercial Development

Neigh. Assoc. None

Neigh. Plan CitySouth Community Plan

TIA Statement: A Level 2 Traffic Impact Analysis is required at platting.

Staff Recommendation:

Inconsistent

The requested zoning to R-20 and C-2 is inconsistent with the land use designation identified in the City South Community Plan. The Plan designates the subject property for Agriculture and Resource Protection/Open Space. The applicant filed a plan amendment to Urban Living, which was heard by the Planning Commission on September 13, 2006; however, the Planning Commission took no action on the amendment, continuing the item until October 11, 2006.

Denial

The requested rezone is inconsistent with the land use designation identified in the CitySouth Community Plan. Additionally, given the rural character of the immediate area, which consists of agricultural uses and single family dwellings on lots in excess of one acre along with the presence of the new Toyota plant just over one mile to the northeast, a residential development with a density of two dwellings per acre, or 200 dwelling units total, is not appropriate.

The subject property consists of about 108 acres and is generally undeveloped. A small portion of this property, along Jett Road, was annexed into the city in January of 2003 and later zoned Resource Protection District. The remainder of the property was annexed in June of 2004 and later zoned Farm and Ranch District by the City Council on September 23, 2004. The property is within a limited annexation area and, while development and land uses are subject to the city's building codes and the Unified Development Code, access to city services may be limited. The subject property fronts on both Loop 1604 and Jett Road and is

CASE NO: Z2006248

Final Staff Recommendation - Zoning Commission

located approximately one mile east of Highway 16.

The FR zoning district is a flexible district that allows residential and commercial uses within a rural context and is an appropriate zoning district in this area. Residential density is limited to one unit per 25 acres of agricultural or ranch land, although the conservation subdivision option would permit 2 units per acre on 25% of the remaining land area provided 75% of the land area is contained within a conservation easement and designated agricultural or ranch land or open space. The maximum density permitted by right on the subject property would allow 4 single family dwellings on parcels of at least 25 acres and two accessory detached dwelling units would also be permitted on each lot. Under the conservation subdivision option, 80 acres would be dedicated as a conservation easement, leaving 27 acres available for development and allowing a maximum of 54 units. The applicants are proposing 2 units per acre on about 92 acres or up to about 200 single family units. Commercial development is limited and, like residential land use, is generally oriented towards uses supportive of agriculture and ranch uses. These developments are permitted under the village center option, which includes standards relating to lot width and area, number of buildings, shared internal access and other pedestrian and urban design-related standards.

CASE MANAGER : Matthew Taylor 207-5876

CASE NO: Z2006249

Final Staff Recommendation - Zoning Commission

Date: September 19, 2006

Council District: 9

Ferguson Map: 583 B1

Applicant Name:

Proportional Prosperity, LLC

Owner Name:

Dahlyn Herold

Zoning Request: From "R-5" Residential Single-Family District to "MF-33" Multi Family District.

Property Location: Lot 74 and Lot 77, NCB 11888

1607 West Terra Alta

Northside of West Terra Alta, east of Everest Avenue

Proposal: Mixed use development

Neigh. Assoc. None

Neigh. Plan None

TIA Statement: A Traffic Impact Analysis (TIA) is not required.

Staff Recommendation:

Denial

The size and location of the subject property is not an appropriate location for high density residential development. The "MF-33" Multi-Family District would allow 33 units per acre. The subject property is currently a vacant single-family dwelling. The subject property is adjacent to "R-5" Residential Single-Family District to the west, north, across West Terra Alta to the south and "MF-33" Multi Family District to the east with "C-2NA" Commercial Nonalcoholic Sales District to the north. Applicant wants to rezone property from "R-5" to "MF-33" to allow for a mixed use development with offices on West Sunset Road. Most of the residential lots fronting on West Terra Alta have single-family dwellings. The applicant is proposing a development with less than the "MF-33" Multi-Family District will allow.

An "MF-33" district designation may be applied to a use in a multi-family residential area located near supporting transportation and commercial facilities in a centrally located area or in an area for which medium density multi-family use is desired.

CASE MANAGER : Pedro Vega 207-7980

